



The Solicitation

Presented by:
DLA A-76 Contracting Support Office
Deborah Raita
June 9, 2004

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The Solicitation

- **Contents**
- **Incentivizing performance - the good, the bad, and the ugly**
- **Pre-proposal conferences**
- **Amendments**
- **CTTO (BVO) vs. LPTA**
- **Proposals and proposal revisions**



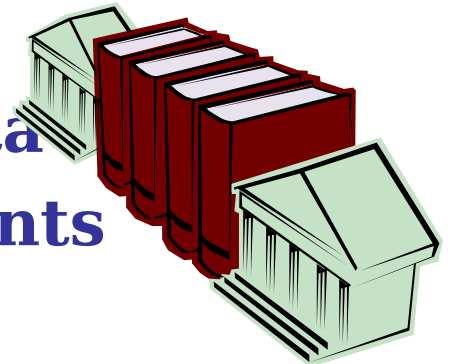
Requests for Proposals

- **Used in negotiated acquisitions**
- **Communicate requirements to prospective offerors and solicit offers - describe the**
 - **Government's requirements**
 - **Terms and conditions that apply to the contract**
 - **Proposal contents**
 - **Factors used in evaluating proposals**



Contents - UCF

- **Part I - The Schedule**
 - A - Solicitation/Contract Form**
 - B - Supplies or Services and Prices/Costs**
 - C - Performance Work Statement**
 - D - Packaging and Marking**
 - E - Inspection and Acceptance**
 - F - Deliveries or Performance**
 - G - Contract Administration Data**
 - H - Special Contract Requirements**





Contents - UCF (cont'd.)

- **Part II - Contract Clauses**
 - I - Contract Clauses**
- **Part III - List of Documents, Exhibits, and Other Attachments**
 - J - List of Attachments**
- **Part IV - Representations and Instructions**
 - K - Representations, Certifications & Other Statements**
 - L - Instructions, Conditions, and Notices to Offerors**
 - M - Evaluation Factors for Award**



Incentivizing Performance - the good, the bad, and the ugly



Performance-Based

- **Outcomes**
- **Acceptable performance levels (APLs)**
 - **Timeliness**
 - **Quality**
- **Performance measures**
 - **Discrete**
 - **Quantifiable**
 - **Measurable**

“You get what you measure”



Incentive Contracts

- **Establish reasonable and attainable targets that are clearly communicated to the offerors**
- **Include appropriate incentive arrangements designed to:**
 - **Motivate efforts that might not otherwise be emphasized**
 - **Discourage inefficiency and waste**
- **Incentives may apply to:**
 - **Cost**
 - **Performance**
 - **Delivery**

**“You
emphasize
what you
reward”**



Application of Incentives

- **Cost - motivate the contractor to effectively manage costs; cost-type contracts**
- **Performance - relate to results achieved by the contractor**
 - “To the maximum extent practicable, positive and negative performance incentives shall be considered in connection with service contracts for performance of objectively measurable tasks when quality of performance is critical and incentives are likely to motivate the contractor.” [FAR 16.402-2(b)]
- **Delivery - improvement from delivery schedule**



Performance Incentives

- **Time**
 - **Positive: longer-term relationship with the Gov't.**
 - **Option periods**
 - **Award term periods**
 - **Negative: shorter-term relationship with the Gov't.**
 - **Option periods**
 - **Termination for default (T4D) or convenience (T4C)**





Performance Incentives

- **Money - incentive on performance requirements that provide a reasonable opportunity for the incentives to have a meaningful impact on the contractor's management of the work**
 - **Positive: "bonus" for performance that exceeds stated requirements**
 - **Negative: "price reduction" for performance that falls below requirements**





Pre-Proposal Conferences & Site Visits

Presented by:

Doug Dapo

Contract Specialist

June 9, 2004

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Pre-Proposal Conferences & Site Visits

- **What does the FAR say?**
- **Two kinds of situations**
- **Best practices**



Pre-Proposal Conferences & Site Visits

What does the FAR say?



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Pre-Proposal Conferences FAR 15.400

- **Not mandatory - decision of contracting officer**
- **Used in complex negotiated acquisitions to explain or clarify requirements**
- **Brief prospective offerors after solicitation issued but before offers submitted**
- **Give all prospective offerors who received solicitation adequate notice of pre-proposal conference**





Pre-Proposal Conferences FAR 15.400

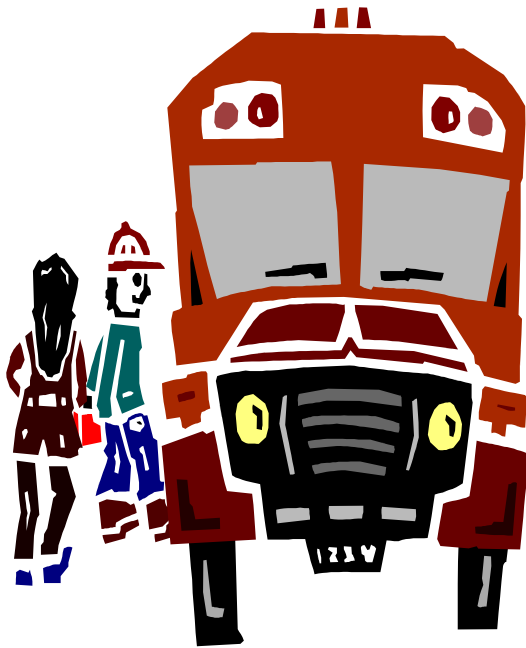


- **Request questions in advance**
- **Furnish all prospective offerors identical information**
- **Make a complete record of the conference and furnish a copy to all prospective offerors**
- **Remarks and explanations at conference do not qualify the terms of the solicitation**



Site Visits

FAR 37.110 (a), 52.237-1



- **FAR 37.110 (a): The contracting officer shall insert the provision at 52.237-1, Site Visit, in solicitations for services to be performed on Government installations, unless the solicitation is for construction.**



Site Visits

FAR 37.110 (a), 52.237-1

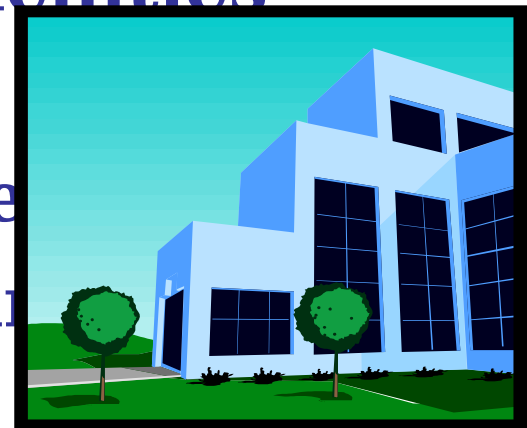
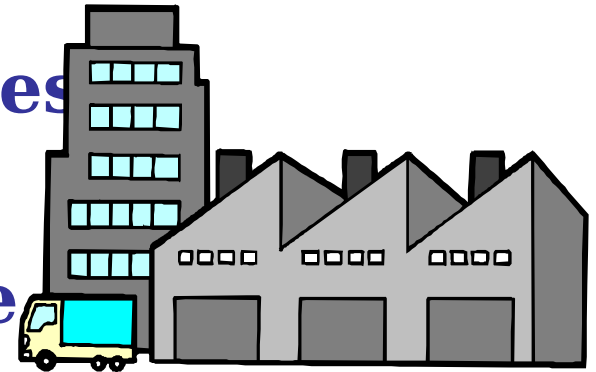
- **FAR 52.237-1: Offerors or quoters are urged and expected to inspect the site where services are to be performed and to satisfy themselves regarding all general and local conditions that may affect the cost of contract performance, to the extent that the information is reasonably obtainable. In no event shall failure to inspect the site constitute grounds for a claim after contract award.**





Two Kinds of Situations

- **Government owned facilities**
 - **Site visit**
 - **Pre-proposal conference**
 - **More pre-planning required**
- **Non-government owned facilities**
 - **No site visit**
 - **Pre-proposal conference**
 - **Less pre-planning required**





Site visit at Government Owned Facilities

Pre-Planning is the key!



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Site visit at Government Owned Facilities



- **Site Visit Pre-planning**
 - **Schedule**
 - **Registration**
 - **Directions/installation map route**
 - **Security issues**





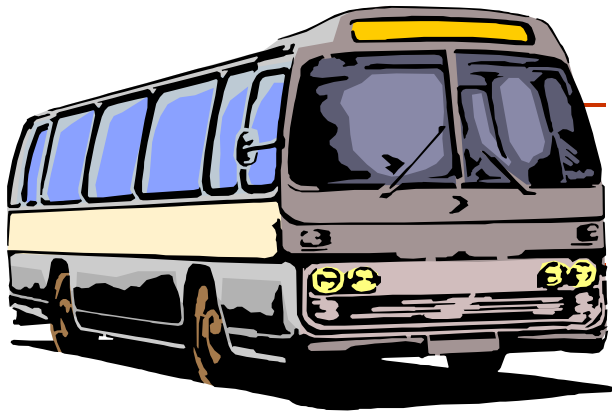
Site Visit at Government- Owned Facilities

- **Site Visit Pre-planning -
(continued)**

- **Parking at site**
- **Transportation on the
installation**

- **Accommodating needs
of attendees**

- **Government
preparation of
facilities**





Best Practices



- **Combining the site visit with the pre-proposal conference**
- **Site Visit**
 - **During off-duty days/hours**
 - **Move together as a group**
 - **Take note of any questions and answers**
 - **A separate site tour for source selection officials**



Best Practices

- **Combining the site visit with the pre-proposal conference**



- **Pre-proposal conference**

- **Process overview followed by Q & A**
- **Review entire RFP followed by Q & A**
- **AIS overview (as applicable) on tape followed by Q & A**
- **Proposal tips followed by Q & A**
- **Pre-proposal information posted on the Internet**



Amendments

Presented by:
Pauline Bradley, Contract Specialist
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June 9, 2004

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What Comes First

- **Request for Proposal (RFP)/Solicitation**
 - **Agency needs are established**
 - **A-76 goal is to obtain the most efficient and effective manner to accomplish the requirements**
- **The Contracting Officer shall ensure that the criteria/requirements in the solicitation**
 - **Reflect the minimum needs of the agency**
 - **Include the description of the requirement to satisfy agency needs - Performance Work Statement**
 - **Are contractible**



Amendments

- **IAW FAR 15.206, when the Government changes its requirements or terms and conditions, the contracting officer shall amend the solicitation.**



- **Standard Form 30 (SF30) - Amendment of Solicitation/ Modification of Contract**
- **Communications between the requiring activity and the contracting office.**

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Amendments

- **Formal communications between industry and the contracting office are addressed in the RFP**
- **IAW Section L of the RFP:**
 - **Communications prior to proposal submission may occur for the purpose of clarifying elements of the solicitation.**
 - **Requests for clarification and/or information concerning a solicitation shall be submitted in writing either by mail, fax, or electronic mail**
 - **Provided to all potential offerors**





Contents

- **At a minimum, the following information is included in each amendment as described on the SF30:**
 - **Name and address of issuing activity**
 - **Solicitation number and date**
 - **Amendment number and date**
 - **Number of pages**
 - **Description of the change being made**
 - **Government point of contact and phone number (and electronic or facsimile address, if appropriate)**
 - **Revision to solicitation closing date, if applicable**



Reasons to Amend

- **Answer questions**
- **Change (amend) the requirements**
 - **Revisions**
 - **New requirements**
- **Update the RFP**
 - **Clauses**
 - **Provisions**
 - **RFP data**
 - **Wage Determinations**



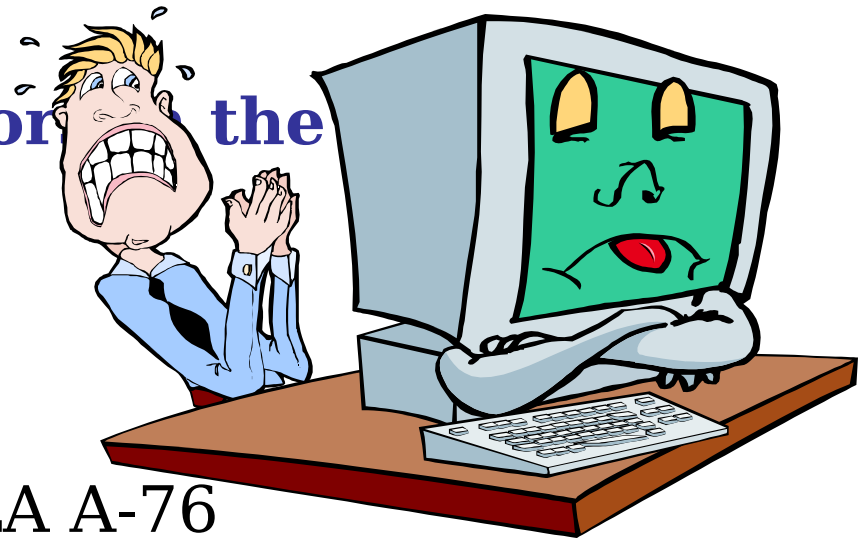
Amendments *after* Closing

- **Reasons**
 - **Change (amend) the requirements**
 - **Update the RFP**
- ***Call for proposal revisions as a result of discussions/ negotiations; establish a common closing date for revisions***
- ***Address technical leveling issues (old Circular only)***



Distribution

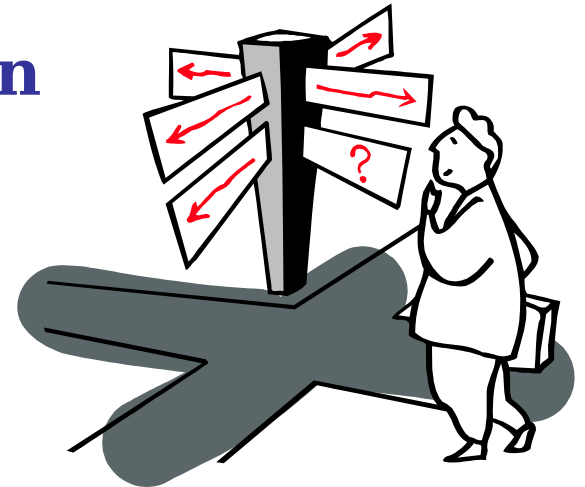
- **Dissemination of amendments issued *prior* to RFP closing**
 - www.supply.dla.mil/A76
 - Issued to all parties receiving the solicitation.
- **Dissemination of amendments issued *after* RFP closing**
 - Restricted to offerors in the competitive range





Considerations for Amendments after Closing

- **Risk to the requiring activity by not amending**
- **Impact on contract enforceability**
- **Impact on scope**
- **Impact on the schedule**
- **Amendment vs. modification**





CTTO vs. LPTA

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Best Value Continuum

Lowest price technically acceptable (LPTA)

- May include evaluation of past performance
- Tradeoffs are not permitted

~~Proposals are evaluated but not ranked~~

Cost/Technical Tradeoff (CTTO)

any award may occur
• May award to other than lowest-price

- Evaluation factors included in solicitation
- State if price =, >, < other factors combined





Policy

- **“Old” circular**
 - **CTTO or LPTA**
 - **Final shoot-out between LP/BVO and MEO**
- **New circular**
 - **CTTO, phased evaluation, LPTA**
 - **Commercial offers and MEO evaluated together**



CTTO

- **Limited to information technology activities, commercial activities performed by a private sector source, new requirements, and segregable expansions**
- **Agency may select other than lowest-priced offer or tender only if the decision is within the agency's budget**
- **Offerors may propose alternate performance standards that differ from the solicitation's performance standards**
- **Requires price analysis and cost realism**
- **KO may conduct exchanges**



Phased Evaluation

- **Phase 1: technical capability; Phase 2: cost**
- **Performance decision based on the lowest cost of all technically acceptable offers and tenders**
- **Separate technical and cost proposals/estimates submitted by the solicitation closing date; may propose alternate performance standards**
- **KO may conduct exchanges to determine the technical acceptability of each offer and tender**
 - **KO amends solicitation performance standard(s) and requests resubmission of offers and tenders**
 - **Select LPTA offer**





LPTA

- **KO evaluates all offers and tenders to determine technical acceptability**
- **Performance decision based on the lowest cost of all offers and tenders determined to be technically acceptable**
- **Requires price analysis and cost realism**
- **KO may conduct exchanges**





Proposals and Revisions

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Section L

Instructions, Conditions, and Notices to Offerors

- **Communications**
 - **Questions**
 - **Pre-proposal conference and site tour**
 - **Proposal mailing/delivery**
- **Intention to award with/without discussions**
- **Written proposal format; e.g., # of pages, organization, limitations, # of copies, etc.**
- **Oral presentation format - who, what, where, when, how**



Section L (Cont'd.)

- **Proposal contents**
 - **Price - data, spreadsheets, Schedule B, explanation of costs**
 - **Past performance (commercial offerors only)**
 - **Technical**
 - **Oral presentation**
 - **Written proposal**
 - **Socioeconomic, Javits-Wagner-O'Day (JWOD) Act entity participation, DLA Mentoring Business Agreements (MBA) program participation (commercial offerors only)**



Proposal Requirements in A-76

- **Shall include:**
 - **Phase-in plan**
 - **Quality control plan**
- **Agency tender shall not include:**
 - **Labor strike plan**
 - **Small business strategy**
 - **Subcontracting plan goal**
 - **Participation of SDBs**
 - **Licensing or other certifications**
 - **Past performance information**



Section M

Evaluation Factors for Award

- **Evaluation is the assessment of the proposal and the offeror's ability to perform the contract successfully**
- **Evaluation reports document relative strengths, deficiencies, significant weaknesses and risks**
- **Sections L and M work together - proposal requirements must map to evaluation factors: price, past performance, technical, socioeconomic programs**



Agency Tender Evaluation

- **Price**
 - **Circular requires the KO perform price analysis and cost realism (costs are realistic, reflect a clear understanding of the requirements, are consistent with the technical proposal)**
 - **KO responsible for ensuring the agency tender:**
 - **Calculated costs IAW Attachment C**
 - **Bases costs on the standard cost factors in effect on the performance decision date**
 - **Uses the COMPARE version in effect on the performance decision date**



Agency Tender Evaluation (Cont'd.)

- **Technical**
 - **Evaluation performed by the Source Selection Evaluation Board (SSEB)**
 - **All offers evaluated concurrently**



Changes to the Agency Tender

Made in response to:

- **Solicitation amendment**
- **Request for proposal revisions**
- **Changes to the standard cost factors**
- **Upgrade to COMPARE version**
- **Resolution of a contest challenging the performance decision**



Discussions

- **Discussions (negotiations) are exchanges to allow the offeror to revise its proposal**
- **Tailored to each offeror's proposal**
- **Conducted with each offeror in the competitive range**
- **"Evaluation notices (ENs)" identify proposal deficiencies, weaknesses, and other aspects of the proposal that could be altered or explained to improve the offeror's potential for award**
- **ENs are provided to the offeror one or more days prior to telephonic discussions**
- **"Speak now or forever hold your peace"**



Revisions

- **An amendment is issued concluding discussions and establishing a date for receipt of proposal revisions**
- **Revisions must be submitted in accordance with the original RFP or as amended**
- **Revisions are evaluated in the same manner as the original proposal**



So, at the end of the day...

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